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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,431	03/09/2004	Oscar Lec Avant	38494-00146DIV	1868
23504	7590	10/07/2005	EXAMINER	
WEISS & MOY PC 4204 NORTH BROWN AVENUE SCOTTSDALE, AZ 85251			SHAFFNER, FRANK C	
			ART UNIT	PAPER NUMBER
			1744	
DATE MAILED: 10/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,431

Applicant(s)

AVANT, OSCAR LEE

Examiner

Frank Shaffner

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. An Information Disclosure Statement was not filed with the application. U.S. Patents that were listed in line 11 of paragraph [0057] in the *Specification* are included in the attached PTO-892 form.

Drawings

2. The drawings are objected to because: Figure 2a does not show rails 40 attached to the interior walls of mailbox 10, rails 40 affixed to the front wall and two side walls of mailbox 10, or the rear wall of mailbox 10 as stated in lines 6-9 of paragraph [0035] in the *Specification*; in Figure 5, the bottom half of the word “collection” is cut off in the text boxes that read, “Pull cord is attached to collection”; in Figure 5, the text boxes mentioned above overlap and cover the word “Pulley”; and finally, in Figure 5, the phrase “Release valve” is cut off in the text box. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet”

Art Unit: 1744

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. It is requested that the applicant clarify, in the *Specification*, the need for two intake valves 220 and two exit valves 210 shown in Figure 5, or that the applicant remove the extra valves in Figure 5 if they are superfluous to the invention.

Specification

4. The disclosure is objected to because of the following informalities: paragraph [0007] line 21, "deliberated" should be "deliberately"; paragraph [0019] line 22, "and" should be "at"; paragraph [0035] lines 6-9, in accordance with Figure 2a as mentioned above in *Drawings*, lines 6-9 do not describe the subject matter in Figure 2a; paragraph [0043] line 2, "to" should be inserted between "30 receive"; paragraph [0055] line 17 and paragraph [0056] lines 1 and 3, it is requested that the applicant clarify if "zip-lock" has the same meaning as "ziplock" as was mentioned earlier in the *Specification*; and finally, paragraph [0061] line 16, "form" should be "from" and line 20, "take away" should be "taken away". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 is indefinite because the term "waiting" infers that another step is occurring

Art Unit: 1744

or will follow, but this step remains undisclosed. It is also unclear as to what processes are involved in “waiting”.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenblatt et al. In U.S. Patent Application Publication 2004/0259188, Rosenblatt et al. teach a method for decontaminating the contents of a mailbag comprising the steps of: sealing the mailbag so as to keep spores safely contained in the mailbag (paragraph 24 and 25)(applicant’s Claim 1), introducing sterilizing concentrations of a decontaminate to the interior contents of the mailbag (paragraph 26)(applicant’s Claim 1), and purging the contents of the mailbag, including decontaminants (paragraph 27)(applicant’s Claim 1 and 4). Rosenblatt et al. also teach that a sufficient amount of decontaminant should be used for a sufficient amount of time to ensure that pathogens have been killed (paragraph 20)(applicant’s Claim 3). As each and every element of claims 1, 3, and 4 of the claimed invention is taught by Rosenblatt et al. above, the claims are anticipated by Rosenblatt et al.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1744

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenblatt et al., as applied to Claim 1 above, in view of Robinson, Jr. Rosenblatt et al. teach all the essential elements of the claimed invention as stated above in paragraph 8, however, fail to teach the step of testing the interior environment of the mailbag for the presence of hazardous material.

11. In U.S. Patent 6,524,846, Robinson, Jr. teaches of an indicator that detects the presence of biological contaminants, namely anthrax (column 2 lines 18-21), in the interior environment of containers (column 2 lines 40-45) for transporting and storing mail (column 3 lines 44-49).

12. Therefore, regarding the teachings of Rosenblatt et al. in view of Robinson, Jr., it would have been obvious to one having ordinary skill in the art at the time the invention was made to equip the mailbags of Rosenblatt et al.'s invention with Robinson, Jr.'s biological contaminant indicator in order to test the interior environment of mailbags for the presence of hazardous material (applicant's Claim 2).

13. One would have been motivated to equip a mailbag with a biological contaminant indicator in order to prevent loss of life that can result from anthrax contamination. This combination would have ensured the safety and health of postal workers by alerting postal workers of biological threats before mail handling and distribution began, and also would have made it possible to identify whether or not mailbag contents were free of contaminants. Because the safety and well being of postal workers would have been ensured by the aforementioned combination, one would have had a reasonable expectation of success by combining the teachings of Rosenblatt et al. and Robinson, Jr.

Art Unit: 1744

14. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strople et al. in view of Webb.

15. In U.S. Patent 3,620,265, Strople et al. teach a method for sterilizing gas containers beginning with the step of sealing each container to prohibit the entrance of ambient air (column 2 lines 68-69). Then a vacuum is drawn on the container to evacuate the interior of the container of any airborne contaminants (column 2 lines 70-74). Referring to the drawing, air that is withdrawn from the container by pump 66 passes through a filter in sterilizer unit 64 (column 2 lines 44-46). Next, a sterilizing agent is introduced to the interior of the container (column 3 lines 1-2). The agent is held in the container for a sufficient period in order to effectively sterilize the container (column 3 lines 5-8). Lastly, the sterilizing agent is evacuated from the container (column 3 lines 19-22). The difference between Strople et al.'s invention and the applicant's claimed invention is that Strople et al. do not teach the decontamination (sterilization) of mailbags.

16. In U.S. Patent 6,779,714, Webb teaches that the biological attacks on the United States resulted in biologically contaminated mail. As mail moved through the postal system, it contacted sorting equipment, delivery trucks, mail boxes and the postman's mailbag (column 1 lines 7-11), endangering the lives of postal workers. This lead to Webb's invention of a mail-decontaminating mailbox (column 1 lines 18-21).

17. Therefore, regarding the teachings of Strople et al. in view of Webb, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strople et al.'s invention by substituting a mailbag for the gas container in order to decontaminate mailbags by following the steps of: sealing the mailbag to isolate the interior

Art Unit: 1744

contents (Claim 1), removing the air from the mailbag interior while passing it across a filter (Claims 1 and 5), injecting a decontaminant into the interior of the mailbag (Claim 1), waiting a sufficient period to kill hazardous microbes present in the mail bag (Claim 3), and withdrawing the decontaminating material from the interior of the mailbag (Claim 4).

18. One would have been motivated to make this modification to Strople et al.'s invention because it was evident that postman's mailbags were subject to biological decontamination as were gas containers. Strople et al.'s invention could have been used to decontaminate mailbags instead of gas containers. Because a mailbag is susceptible to biological contamination, thereby endangering a postal worker's health, one would have had a reasonable expectation of success by combining the teachings of Strople et al. and Webb.

19. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strople et al. in view of Webb as applied to Claim 1 above, and further in view of Robinson, Jr. Strople et al. in view of Webb teach all the essential elements of the claimed invention as stated above in paragraphs 14-18, however, fail to teach the step of testing the interior environment of the mailbag for the presence of hazardous material.

20. In U.S. Patent 6,524,846, Robinson, Jr. teaches of an indicator that detects the presence of biological contaminants, namely anthrax (column 2 lines 18-21), in the interior environment of containers (column 2 lines 40-45) for transporting and storing mail (column 3 lines 44-49).

21. Therefore, regarding the teachings of Strople et al. in view of Webb, and further in view of Robinson, Jr., it would have been obvious to one having ordinary skill in the art at the time the invention was made to equip the contaminated mailbags, used with the combination of Strople et al.'s and Webb's invention, with Robinson, Jr.'s biological contaminant indicator in order to test

Art Unit: 1744

the interior environment of mailbags for the presence of hazardous material (applicant's Claim 2).

22. One would have been motivated to equip a mailbag with a biological contaminant indicator in order to prevent loss of life that can result from anthrax contamination. This combination would have ensured the safety and health of postal workers by alerting postal workers of biological threats before mail handling and distribution began, and also would have made it possible to identify whether or not mailbag contents were free of contaminants. Because the safety and well being of postal workers would have been ensured by the aforementioned combination, one would have had a reasonable expectation of success by combining the teachings of Strople et al. in view of Webb with Robinson, Jr.

Art Unit: 1744

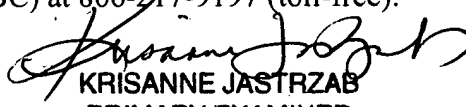
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Shaffner whose telephone number is (571) 272-5568. The examiner can normally be reached on Monday through Friday, 7:30 AM until 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F.A.

F.S.


KRISANNE JASTRZAB
PRIMARY EXAMINER

October 3, 2005